

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2269

ERIC H. YONKEU,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A95-254-772)

Submitted: May 20, 2005

Decided: June 3, 2005

Before WILLIAMS, KING, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Randall L. Johnson, JOHNSON & ASSOCIATES, P.C., Arlington, Virginia, for Petitioner. Peter D. Keisler, Assistant Attorney General, Linda S. Wernery, Senior Litigation Counsel, Mark D. Chestnutt, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Eric Herve Yonkeu, a native and citizen of Cameroon, petitions for review of an order of the Board of Immigration Appeals ("Board") affirming and adopting the immigration judge's decision denying his applications for asylum, withholding from removal and withholding under the Convention Against Torture. Yonkeu challenges the finding that he failed to meet his burden of proof to qualify for asylum. To obtain reversal of a determination denying eligibility for relief, an alien "must show that the evidence he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992). We have reviewed the record and conclude Yonkeu fails to show the evidence compels a contrary result.*

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED

*Yonkeu does not challenge the denial of withholding from removal or relief under the Convention Against Torture. In any event, having failed to qualify for asylum, Yonkeu cannot meet the higher standard to qualify for withholding of removal. INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987); Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999). Nor did he show it is more likely than not that he will be tortured if removed to Cameroon. 8 C.F.R. § 1208.16(c)(2).